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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,137	04/01/2004	Kazuki Takahashi	10973-115001 / K43-168413	9640
26211	7590	05/22/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			WARD, JOHN A	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/816,137

Applicant(s)

TAKAHASHI, KAZUKI

Examiner

John A. Ward

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) 1 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 2-5, 7, 9 and 10 is/are rejected.  
7) ☒ Claim(s) 6 and 8 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-4 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Nishimura et al. (US 6,626,563)

Regarding claim 2, Nishimura et al (563) disclose a vehicle headlight optical axis control system having a steering device 16 coupled to a steering wheel 15, a control means 20, and means that detects a straight steering position (column 3, lines 52-65) of the steering device from an original position signal output by the speeds of a left wheel 18L and right wheel 18R when a difference between a left wheel 18L and right wheel 18R is equal to or less than a predetermined value (column 2, lines 45-65).

Regarding claims 3-4, Nishimura et al teaches in claim 1, how the control means detect the straight steering position when a vehicle speed of the vehicle has at a least a predetermined value and integrating time and an integrating distance.

Claims 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Nishimura et al. (US 6,626,563)

Regarding claim 5, Nishimura et al (563) disclose a vehicle headlight optical axis control system having a first speed sensor 18L, a second speed sensor 18R, a steering sensor 16, coupled to a steering shaft of a steering wheel 15, a controller 20 that controls steering device, a control means 20, and means that detects a straight steering position (column 3, lines 52-65) of the steering device from an original position signal output by the speeds of a left wheel 18L and right wheel 18R when a difference between a left wheel 18L and right wheel 18R is equal to or less than a predetermined value (column 2, lines 45-65).

Regarding claim 7, Nishimura et al having at least one actuator 12L, 12R for adjusting a position of the headlamp in response to an output from the controller (figure 1).

Claims 9 and 10, is rejected under 35 U.S.C. 102(b) as being anticipated by Horiuchi (US 6,688,760).

Regarding claims 9 and 10, Horiuchi discloses a lamp body control system as shown in figure 2 having at least one speed wheel speed and a difference between the first reference and second reference and third reference, a steering wheel position and a controller the light distribution, also the original position signal S4 is obtained at least from a signal pulse S3 detected for each rotation of the steering wheel. It is inherent to provide a method of controlling the light distribution of the headlamp since Horiuchi meets all of the limitations of claims 9 and 10.

***Allowable Subject Matter***

Claims 6 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Nowhere in the prior art is a the velocity sensor, a rotary disk in addition to the speed sensors for the right and left wheel along with the steering sensor and controller.

***Response to Arguments***

Applicant's arguments with respect to claims 2-4 and 5-7 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed March 9, 2006 have been fully considered but they are not persuasive. The applicant argues that the Horiuchi patent does not discloses or suggest an original position signal that is obtained from a signal pulse detected for each rotation of the steering wheel, the applicant is referred back to flow chart of figure 2 that all the limitations are met by this function.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAW  
May 12, 2006



JOHN ANTHONY WARD  
PRIMARY EXAMINER